

REMARKS

This Amendment is filed in response to the Office Action of October 22, 2007 in which claims 1-32 were rejected.

Regarding the 35 U.S.C. § 101 rejection of claims 19-24 and 26-32, independent claim 19 has been amended to be directed to a computer readable medium having a computer program comprising machine executable code stored thereon. Its dependent claims 20-24 have been amended in similar fashion.

Likewise, independent claim 26 has been amended so as to be directed to a computer readable medium comprising machine executable code.

Claim 27 has similarly been amended to be directed to a computer readable medium having video information stored thereon for use in transmitting the video information on a signal in at least one bit stream comprising the video information in a set of frames. The dependent claims 28-32 of claim 27 have similarly been amended.

Support for this can be found e.g. on page 15, lines 6—8 of the subject application:

“In the streaming server 5 the bit streams can be stored into memory 6 for later use.”

Withdrawal of the statutory subject matter rejection of claims 19-24 and 26-32 is requested.

Claims 1-32 are rejected under 35 U.S.C. § 102(e) as being anticipated by *Wu et al* (U.S. 6,804,301).

It is noted that the effective date of the *Wu et al* reference is August 15, 2001. Regardless of the merits of the rejection (which need not be addressed), *Wu et al* does not qualify as a 35 U.S.C. § 102(e) reference for at least the reason that its effective date of August 15, 2001 is after the August 9, 2001 priority date of U.S. Application No. 09/925,769 from which this application claims priority (among others). Although August 9, 2001 is not the earliest priority date of the present application, the remarks which follow will concentrate upon U.S. Application No. 09/925,769 and its content in relation to the presently claimed invention because it is the closest in date preceding the applied reference of *Wu et al*. In other words, by

concentrating the U.S. Application No. 09/925,769 and its content for showing an earlier filing date, applicant does not concede that any of the earlier priority dates relied upon for the present application cannot also serve as still earlier disclosures of the same subject matter in whole or in part. As also mentioned above, the establishment of a date predating the *Wu et al* reference does not mean that applicant considers the *Wu et al* reference as qualifying as anticipatory prior art even if its date were prior to the priority date(s) of the present application.

A comparison of the subject matter of the content of the application 09/925,769 (dated 9 August 2001 i.e. prior to the 15 August 2001 filing date of *Wu et al*) reveals that every feature of the independent claims of the subject application are disclosed at least by this particular priority application. Thus, the *Wu et al* reference is not available as a USC 35 § 102(e) reference. In the following applicant provides a detailed explanation.

The paragraph [0028] on page 3 of U.S. Publication 2002/0118755 (corresponds to Serial No. 09/925,769) states that *...chroma components are partitioned into 8 x 8 blocks called macroblocks....* Further, the paragraph [0100] on page 6 reads: *"In the following we provide description of encoding of the second type of SP-frames which are used for example during bitstream switching. Consider the SP-picture, denoted as S_{12} in FIG. 5, that would be sent to switch from bitstream 1 to bitstream 2. The reconstructed values of this picture have to be identical to the reconstructed values of SP-picture in bitstream 2, denoted as S_2 in FIG. 5, to which we are switching. The bitstream of the Intra macroblocks in frame S_2 are copied to S_{12} . The encoding of inter macroblocks is performed as follows:"*

This passage teaches (as in claim 1):

a) *"forming at least one switching frame into said bitstream":*

SP-frame is an example of a switching frame that would be sent to switch from bitstream 1 to bitstream 2;

b) *"arranging macroblocks of said switching frame into a first group of macroblocks and a second group of macroblocks"* Intra macroblocks can be

regarded as the first group of macroblocks and inter macroblocks can be regarded as the second group of macroblocks;

c) *“encoding each macroblock of said first group of macroblocks by a first encoding method to provide a switching point for continuing transmission of video information with another bitstream formed from the video information”*

Intra macroblocks in frame S_2 are copied to S_{12} i.e. to the switching frame. An example encoding method for the intra macroblocks is disclosed in paragraphs [0090]—[0099];

d) *“encoding macroblocks of said second group of macroblocks by another encoding method”*

An example of the encoding method of the inter macroblocks is disclosed in paragraphs [0100]—[0103];

On the basis of claims 17—19 of the priority application 09/925,769 (see page 8 of US Publication 2002/0118755) it is also evident that the application discloses *a method for transmitting video information, in which at least one bitstream is formed from the video information comprising a set of frames, the frames comprising macroblocks*. Also the detailed specification discloses transmission of video information using at least one bitstream. The priority application '769 further discloses an encoder, a decoder and a system.

The above showings are specifically applicable to the independent method claim 1, encoder claim 7 and system claim 13. The subject matter of computer readable medium claim 19 corresponds with the subject matter of claim 1, for example. Therefore, *Wu et al* does not qualify as a § 102(e) reference against the computer readable medium claim 19 and its dependent claims 20-24.

The same may be said for claim 26.

As for the independent method claim 25 the paragraph [0056] of US 2002/0118755 discloses “An example of how to utilize SP-frames to switch between different bitstreams is illustrated in the FIG. 5. FIG. 5 shows two bitstreams corresponding to the same sequence encoded at different bitrates--bitstream 1 (510) and bitstream 2 (520). Within each encoded bitstream, SP-pictures should be placed at locations at which one wants to allow switching from one bitstream to another (pictures S_1 (513), and S_2 (523) in FIG. 5). When switching from bitstream 1 (510) to bitstream 2 (520), another picture of this type will be transmitted (in FIG. 5 picture S_{12} (550) will be transmitted instead of S_2 (523)). Although, Pictures S_2 (523) and S_{12} (550) in FIG. 5 are represented by different bitstreams, i.e., they are using different reference frames, their reconstructed values are identical.” From the above and Fig. 5 it can be seen that the frames 513 and 523 are switching frames comprising predictively encoded macroblocks.

When switching from the bitstream 1 (510) to the bitstream 2 (520), the frame 550 is transmitted instead of the frame 513, 523. The frame 550 contains both intra coded macroblocks and predictively encoded macroblocks. See, for example, paragraphs [0100]—[0103] where emphasis is supplied:

“[0100] In the following we provide description of encoding of the second type of SP-frames which are used for example during bitstream switching. Consider the SP-picture, denoted as S_{12} in FIG. 5, that would be sent to switch from bitstream 1 to bitstream 2. The reconstructed values of this picture have to be identical to the reconstructed values of SP-picture in bitstream 2, denoted as S_2 in FIG. 5, to which we are switching. The bitstream of the Intra macroblocks in frame S_2 are copied to S_{12} . The encoding of inter macroblocks is performed as follows:

[0101] 1. Form the predicted frame for S_{12} by performing motion estimation with the reference frames being pictures preceding S_1 in bitstream 1.

[0102] 2. Calculate transform coefficients for predicted image by performing forward transform. The transform coefficients for the predicted image are denoted as C_{pred} .

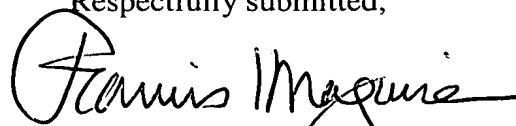
[0103] 3. Quantize the obtained coefficients C_{pred} using $QP=QP1$ and subtract the quantized coefficient levels I_{pred} from the corresponding I_{rec} of S_2 -picture. The resulting levels are the levels of the prediction error for S_{12} which will be transmitted to the decoder.”

Therefore, all the independent claims have support at least as early as in the priority date of August 9, 2001 of U.S. Application 09/925,769 having an earlier filing date than *Wu et al* and, hence, the *Wu et al* document is not a qualifying USC 35 § 102(e) reference.

It is thus unnecessary to address the merits of whether or not *Wu et al* anticipate claims 1-32 because the priority date of the present application predates the effective filing date of *Wu et al*, i.e., August 15, 2001. Therefore, without prejudice, withdrawal of the 35 U.S.C. § 102(e) rejection of claims 1-32 is requested.

The rejections and objections of the Office Action of October 22, 2007, having been obviated by amendment or shown to be inapplicable, withdrawal thereof is requested and passage of claims 1-32 is earnestly solicited.

Respectfully submitted,



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